

Dred and Harriet Scott: A Family Story of Slavery and Freedom

Short Lecture by Matthew Pinsker
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Dred Scott might be the best known name associated with American slavery, but it's a name that most people, most teachers and students, put on a case, not on a person. Dred Scott the man is not well-known at all, Dred Scott the case, of course, is one of the pivotal reasons for the coming of the Civil War. Dred Scott was a slave who sued for his freedom, as everybody knows. It was an eleven year odyssey, from 1846 to 1857, when the Supreme Court finally ruled in a seven to two decision that he could not be a citizen, he could not sue for his freedom, just because he was held as a slave in a free territory didn't make him a free man, and that Congress could not prohibit slavery in the territories. That was a stark moment in the coming of the Civil War. But what people don't realize, and what they need to think about as they look at a picture of Dred Scott, an illustration of him, is that he was a man with a family.

That image, that's so famous and reproduced in many textbooks, was actually originally a part of *Frank Leslie's Illustrated Newspaper*, and it showed Mr. Dred Scott with his wife, Harriet, and their two daughters, Eliza and Lizzie. That's a very important realization because it turns out, according to the latest scholarship, that it was probably Harriet Scott who was the driving force behind the case, not Dred. She was twenty years younger than him; she had lived as a slave in both free states and free territories. They had met in the free territory of Wisconsin, what is now the state of Minnesota, at Fort Snelling. She was the slave of the Indian agent; he was the slave of the army surgeon. They had married, and they had those children. But she was the one who was the churchgoer in St. Louis, who attended a church where the pastor was a known abolitionist, who was connected to their first lawyer. And the connections now revealed for the first time by the latest scholarship seem to indicate—although we can't prove—but they seem to indicate that it was Harriet Scott who was pushing Dred Scott for the two of them to file for freedom, and in fact, both of them filed freedom suits in 1846 in St. Louis Circuit Court.

This is the original daguerreotype type of Dred Scott that was taken by the photographer John Fitzgibbon in St Louis in 1857, the one that provided the material for *Frank Leslie's Illustrated Newspaper*. Fitzgibbon was a very important early photographer in the West. *Frank Leslie's Illustrated Newspaper* had been founded in 1852, and by 1857 when it reproduced this image of Dred Scott and his family, it was one of the more popular illustrated newspapers in the country, an important source for general information about the period.

The image of Harriet Scott reminds us of so much. She is a woman who was pushing to save her two daughters from the domestic slave trade. She was pushing her husband, twenty years her senior, to help the family survive as a free family. They might have decided to run away, but instead, talking with her pastor and their lawyer, Harriet was undoubtedly convinced that it was safer for them to pursue their case in court. All of the precedents in St. Louis Circuit Court were in their favor under the doctrine known as "once free, always free." Their daughters were the

ones they were trying to protect: Eliza and Lizzie had been young girls, were entering the age in 1846 when they would have been most likely to have been sold in the domestic slave market. Irene Emerson, their owner, was the widow of the army surgeon. She was hiring out the family as domestic servants in St. Louis to other masters. Clearly, though, she would do better to sell the girls and break up the family rather than try to hire them all out, and that's what Harriet Scott was undoubtedly worried about.

All this reminds us that these people have families, and these families determine their interests, and these interests are what drive them into court to seek to protect their rights. It's a family story that sparks one of the most important legal issues in the coming of the Civil War. We would do well in our classrooms to try to restore Dred Scott to his family in order to explain the kind of motivations that drove people to fight for freedom. That's the kind of spirit that motivated Harriet Scott and Dred Scott. It's the kind of spirit that would motivate a generation of Americans to fight each other in the Civil War for what they considered to be the liberty of their families.

(This lecture is available online at <http://housedivided.dickinson.edu/sites/civilwar/course-syllabus-2/part-1-coming-of-war/> or via Vimeo at <http://vimeo.com/47762696>)